

**MINUTES
of the
SIXTH MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**October 18, 2021
Hyatt Regency Tamaya Resort & Spa
1300 Tuyuna Trail
Pueblo of Santa Ana**

**October 19, 2021
VCC Community Resource Center
129 Canal Street
Pueblo of Jemez**

**October 20, 2021
State Capitol, House Chambers
Santa Fe**

The sixth meeting of the Indian Affairs Committee (IAC) was called to order by Senator Shannon D. Pinto, co-chair, on October 18, 2021 at 11:11 a.m. in the Tamaya Ballroom at the Hyatt Regency Tamaya Resort & Spa in the Pueblo of Santa Ana.

Present

Rep. Georgene Louis, Co-Chair
Sen. Shannon D. Pinto, Co-Chair
Rep. Eliseo Lee Alcon (10/18, 10/19)
Rep. Kelly K. Fajardo (10/18, 10/19)
Rep. D. Wonda Johnson
Sen. Brenda G. McKenna (10/18)
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Absent

Rep. Anthony Allison
Rep. Brittney Barreras
Rep. Zachary J. Cook
Sen. Leo Jaramillo
Rep. Derrick J. Lente
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Sen. William E. Sharer

Advisory Members

Rep. Gail Chasey (10/18, 10/20)
Rep. Harry Garcia (10/18)
Sen. Linda M. Lopez
Rep. Patricia Roybal Caballero (10/18)
Sen. William P. Soules (10/19, 10/20)
Rep. Elizabeth "Liz" Thomson (10/19)

Rep. Doreen Y. Gallegos
Sen. Stuart Ingle
Rep. Patricia A. Lundstrom
Sen. Michael Padilla

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)

Sara Wiedmaier, Research Assistant, LCS

Nancy Martinez, Research Assistant, LCS

Erin Bond, Research Assistant, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, October 18 — Pueblo of Santa Ana**Welcome and Introductions (11:11 a.m.)**

Senator Pinto apologized for the delay due to technical difficulties with the webcast, welcomed everyone to the Tamaya Resort and invited members of the committee and audience to introduce themselves.

Update from the Pueblo of Santa Ana (11:12 a.m. — no webcast)

Robert Ortiz, tribal planner, Pueblo of Santa Ana, welcomed the committee to the Tamaya Resort and opened with a prayer. Mr. Ortiz updated the committee on plans for a public safety, judicial and social services complex at the Pueblo of Santa Ana and noted the need for an additional \$5 million to complete the project. He discussed the COVID-19 protocols that have been in place for the pueblo and the difficulty finding employees to return to work. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%201%20Santa%20Ana%20Presentation.pdf>.

Responses to questions and comments from committee members included the following:

- the Pueblo of Santa Ana built a wastewater treatment system a few years ago that is top-of-the-line but only used for irrigation;

- the Pueblo of Santa Ana is looking at the cost to operate its own school;
- construction on the judicial complex project will begin soon, but additional funds will be needed; so far, all funds have been spent on time and within budget;
- the Pueblo of Santa Ana received \$2 million from federal Coronavirus Aid, Relief, and Economic Security Act funds, which helped to export trash and to fortify boundaries of the pueblo;
- the Pueblo of Santa Ana has a historic preservation office to review environmental and historical impacts before approving construction projects;
- the Pueblo of Santa Ana has geologically surveyed the pueblo to locate areas to be avoided, has issued 15 rights of way throughout the pueblo for solar arrays and is currently working on an underground electrical grid system; and
- solid waste is now exported from the Pueblo of Santa Ana through New Mexico Waste Management, including recycling that is sold to companies.

Update on Tribal Gaming and COVID-19 (12:05 p.m.)

Tunte Vigil, state gaming representative, Gaming Control Board; Jeremy Romero, chair, Gaming Control Board; and Natalia Manzanares, state tribal auditor, Gaming Control Board, provided the committee with an overview of the role of the Office of the State Gaming Representative, the status of the 14 gaming tribes in New Mexico and the impact that the COVID-19 pandemic has had on revenue for the casinos and revenue sharing with the state. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/18/2021&ItemNumber=2>.

Presentation on Ethnic Studies (12:38 p.m.)

Representative Roybal Caballero and Senator Lopez discussed legislation that has been introduced over the past few legislative sessions to implement ethnic studies in the K-12 curriculum that would provide students with a diverse, inclusive perspective on New Mexico's ethnically and culturally rich history and residents.

Presentation on Cooperative Agreements (2:24 p.m.)

John Monforte, counsel, Tax Information and Policy Office, Taxation and Revenue Department, discussed cooperative agreements between the state and tribes regarding the gross receipts tax and the cannabis excise tax, taxation under destination-based sourcing and the progress of the Tribal Tax Work Group. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%204%20Cooperative%20Agreements%20PresentationTRD.pdf>.

Update on Yazzie/Martinez Comprehensive Education Plan (3:31 p.m.)

Dr. Kurt Steinhaus, secretary-designate, Public Education Department, and Lashawna Tso, assistant secretary of Indian education, Public Education Department, provided the committee with a brief background of and time line updates on the Yazzie/Martinez education

plan and stated that site visits are ongoing to consult with Indian nations, tribes and pueblos and school districts across the state. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%205%20PED%20Yazzie%20Martinez%20Action%20Plan%20Timeline.pdf>.

Public Comment

There was no public comment.

Recess

The meeting recessed at 4:18 p.m.

Tuesday, October 19 — Pueblo of Jemez

Reconvene

Senator Pinto reconvened the meeting at 10:11 a.m.

Update from the Pueblo of Jemez (10:12 a.m.)

Michael Toledo, Jr., governor, Pueblo of Jemez; Michael Chinana, first lieutenant governor, Pueblo of Jemez; and Kurt Mora, second lieutenant governor, Pueblo of Jemez, opened with a prayer and welcomed the committee to the Pueblo of Jemez.

Sheri Bozic, director, Planning Development and Transportation Department, Pueblo of Jemez; Todd Loretto, director, Public Works Department, Pueblo of Jemez; Kevin Shendo, director, Department of Education, Pueblo of Jemez; Clarice Madalena, interim director, Natural Resources Department, Pueblo of Jemez; and Kevin Winner, director, Department of Information Technology, Pueblo of Jemez, provided an update on infrastructure needs and discussed past and ongoing projects within the various departments of the Pueblo of Jemez. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%206%20Pueblo%20of%20Jemez%20presentation.pdf>.

Report from the Office of the State Engineer and the Interstate Stream Commission (11:35 a.m.)

John R. D'Antonio, Jr., P.E., state engineer, and Arianne Singer, general counsel, Interstate Stream Commission, provided a detailed overview of three major Indian water rights settlements involving New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%207%20IWRS%20FUND%20REPORT.pdf>.

Missing and Murdered Indigenous Women and Relatives Task Force Recommendations (1:23 p.m.)

Lynn Trujillo, secretary, Indian Affairs Department, and Stephanie Salazar, general counsel, Indian Affairs Department, discussed proposals by the Missing and Murdered Indigenous Women and Relatives Task Force and plans for the Office of Murdered and Missing Indigenous Women within the department, which will be charged with implementation of a state response plan, data collection, officer training and community education and outreach.

Update on Tribal Redistricting Maps (2:07 p.m.)

Amber Carrillo, executive director, All Pueblo Council of Governors; Shauna Tafoya, public relations officer, Jicarilla Apache Nation; Teran Villa, policy coordinator, All Pueblo Council of Governors; Casey Douma, co-chair, All Pueblo Council of Governors Redistricting Committee; and Keegan King, co-chair, All Pueblo Council of Governors Redistricting Committee, updated the committee on the work being done by the Native American Redistricting Commission and the All Pueblo Council of Governors Redistricting Committee.

Joseph Little, legal counsel, Native Redistricting Coalition, NAVA Education Project; Leonard Gorman, executive director, Navajo Nation Human Rights Commission; and Lauren Bernally, policy analyst, Navajo Nation Human Rights Commission, discussed the redistricting process and breakdown of district census data in greater detail. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=10/18/2021&ItemNumber=9>.

Public Comment (3:43 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 3:54 p.m.

Wednesday, October 20 — Santa Fe

Reconvene

Representative Louis reconvened the meeting at 10:16 a.m.

Presentation on Water Access in To'hajiilee (10:16 a.m.)

Senator Daniel A. Ivey-Soto; Jimmy R. Secatero, chapter president, To'hajiilee Chapter, Navajo Nation; and Andrew Robertson, water engineer for To'hajiilee, Souder, Miller & Associates, discussed the need, process and estimated cost for increasing clean water access to the To'hajiilee Chapter of the Navajo Nation.

Presentation on the Federal Indian Arts and Crafts Act of 1990 (11:16 a.m.)

Matt Baca, chief counsel, Office of the Attorney General, discussed the issue of false marketing of items as tribal goods and the state and federal laws that prohibit the sale or resale of items with deceptive trade practices.

Report on the Senator John Pinto Native Filmmakers Memorial Fund (1:18 p.m.)

Amber Dodson, director, New Mexico Film Office; Rochelle Bussey, senior manager, New Mexico Film Office; Joshua Zunie, Senator John Pinto filmmaker; Ramona Emerson, review committee member, Senator John Pinto Native Filmmakers Memorial Fund; and Geoffrey Kie, Senator John Pinto filmmaker, discussed the significance of the Senator John Pinto Native Filmmakers Memorial Fund and previewed some of the films that have been funded.

Upon a motion made by Senator Pinto, seconded by Senator Rodriguez and without objection, the committee moved to send a letter to the Legislative Finance Committee to request an increase in the budget for the Senator John Pinto Native Filmmakers Memorial Fund from \$100,000 to \$2 million, make the fund recurring and remove the individual award cap to allow the New Mexico Film Office to have discretion over award amounts based on the scope of projects.

Presentation on Navajo Nation Resolution (2:38 p.m.)

Mark Freeland, chair, Resources and Development Committee, Navajo Nation, discussed a resolution to remove "Kit Carson" from monuments and public spaces due to the cruelties he imposed on the native people of New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%2013%20Navajo%20Nation%20Resolution.pdf>.

Approval of Minutes (3:09 p.m.)

Upon a motion made by Senator Pinto, seconded by Senator Rodriguez and without objection, the committee moved to approve the minutes of the September 30-October 1, 2021 meeting.

Consideration for Endorsement (3:09 p.m.)

Upon a motion made by Senator Pinto, seconded by Senator Rodriguez and without objection, the committee moved to send the following letters.

To the Legislative Finance Committee: A letter in support of capital outlay funding for Navajo Preparatory School for infrastructure improvements and building renovations. The letter can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%2014%20Navajo%20Preparatory%20School%20Letter.pdf>.

To the Legislative Finance Committee: A letter in support of capital outlay funding for Santa Fe Indian School campus improvements and renovations. The letter can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%2015%20Santa%20Fe%20Indian%20School%20Letter.pdf>.

Upon a motion made by Representative Johnson, seconded by Senator Pinto and without objection, the committee moved to endorse a bill that would allow tribes to set gross receipts tax rates on tribal lands, as long as the rate is at least as much as the state's gross receipts tax rate. The bill can be found here:

<https://www.nmlegis.gov/handouts/IAC%20101821%20Item%2016%20Tribal%20Gross%20Receipts%20Tax%20Bill.pdf>.

Upon a motion made by Senator Pinto, seconded by Representative Johnson and without objection, the committee moved to send a letter to the Albuquerque Postal Customer Council, requesting that it review the closure of the To'hajiilee post office and look into reopening or providing alternative postal services to the community.

Upon a motion made by Senator Pinto, seconded by Representative Louis and without objection, the committee moved to send a letter to the Legislative Finance Committee to request a budget increase for the Aging and Long-Term Services Department to hire additional full-time employees.

Public Comment

There was no public comment.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:17 p.m.